

House Bill 757 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Bacon County and provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of its members; to provide for the qualification, terms, and
4 removal of members and for filling vacancies; to provide for oaths and privileges; to relieve
5 certain boards and officers of certain powers and duties and provide for the transfer of
6 functions to the newly created board; to provide for certain expenditures of public funds; to
7 provide for compensation of members of the board and personnel; to provide for officers and
8 equipment; to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide for submission for preclearance
10 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for
11 effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Bacon County Board
15 of Elections and Registration, herein referred to as "the board." The board shall have the
16 powers, duties, and responsibilities of the judge of the probate court of Bacon County under
17 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," and the powers, duties,
18 and responsibilities of the board of registrars of Bacon County under Chapter 2 of Title 21
19 of the O.C.G.A., the "Georgia Election Code."

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have
22 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
23 Election Code," unless otherwise clearly apparent from the text of this Act, and the term
24 "commissioners" means the board of commissioners of Bacon County and "county" means
25 Bacon County.

SECTION 3.

(a) The board shall be composed of five members, each of whom shall be an elector of Bacon County and shall be appointed as provided in this section.

(b) Three members of the board shall be selected by the governing authority of Bacon County.

(c) One member of the board shall be appointed by the county executive committee of the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member.

One member of the board shall be appointed by the county executive committee of the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. In the event that there is no county executive committee of a political party entitled to make an appointment under this subsection, the appointment on behalf of such political party shall be made by the state executive committee of such party.

(d) All appointments to the board shall be promptly certified by the appointing authority of Bacon County to the clerk of the Superior Court of Bacon County.

(e) In making the initial appointments to the board, the members shall be appointed not later than June 1, 2007. All members shall serve staggered terms of three years each beginning on July 1 of the year and ending on June 30 of the third year, except for the first board appointed. In making its initial appointments, the governing authority of Bacon County shall designate one of its three appointees to serve a term of one year ending on June 30, 2008; the other two appointees of the governing authority of Bacon County shall be appointed for initial terms of two years ending on June 30, 2009. The political parties shall designate their appointees to serve initial terms of three years ending on June 30, 2010. As the initial term of each board member expires, a successor board member shall be appointed for a full three-year term. Notwithstanding anything in this Act to the contrary, each member appointed shall serve until his or her successor is duly appointed and qualified and takes office. All board appointments shall be made at least 30 days prior to the end of the term of the board member whose term is about to expire.

(f) The board of commissioners shall select one board member to serve as chairperson and a second member to serve as vice chairperson, both to serve at the pleasure of the board of commissioners. Such chairperson shall preside over all meetings of the board and shall vote. The vice chairperson shall serve in the absence of the chairperson.

(g) Three board members present at any duly held or called meeting shall constitute a quorum for transacting all business before the board.

(h) Notwithstanding any provision of this Act to the contrary, board members may be removed for cause by the board of commissioners.

SECTION 4.

The Bacon County Board of Commissioners shall select and appoint a person as election supervisor to serve at the pleasure of the board of commissioners. The board of commissioners may appoint the chairperson of the board of elections or any other qualified person to serve as election superintendent. The Bacon County Board of Commissioners shall set the pay and salary of such elections supervisor. The election supervisor or his or her designee shall generally direct and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall be supervised by the board of commissioners and shall be deemed to be an at-will employee of the board of commissioners subject to removal at any time, with or without cause, by the board of commissioners of Bacon County. The board of commissioners may also appoint an assistant election supervisor who shall carry out the duties of the election supervisor in the absence of such person.

SECTION 5.

Each member of the board shall:

- (1) Be eligible to be reappointed to succeed himself or herself;
- (2) Have the right to resign at any time by giving written notice of his or her resignation to the governing authority of Bacon County; and
- (3) Serve until his or her successor is appointed and qualified and takes office.

SECTION 6.

(a) The appointing authority shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 30 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act.

(b) The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 7.

(a) In the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, except by expiration of term, the applicable appointing authority shall appoint a successor for the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim

1 appointments and record and certify such appointments in the same manner as the regular
2 appointment of members.

3 (b) Before entering upon his or her duties, each member of the board shall take substantially
4 the same oath as required by law for registrars. Each member of the board shall have the
5 same privileges from arrest as registrars.

6 **SECTION 8.**

7 The first members of the board under this Act shall be appointed as provided in this Act to
8 take office on July 1, 2007. The board shall take no official action until all members have
9 been certified to the clerk of the Superior Court of Bacon County.

10 **SECTION 9.**

11 (a) No person who holds elective public office shall be eligible to serve as member of the
12 board during the term of such elective office, and the position of any member of the board
13 shall be deemed vacant upon such member's qualifying as a candidate for elective public
14 office.

15 (b) Members of the board must be residents of Bacon County and must have been registered
16 voters in Bacon County for a period of at least one year prior to the date of appointment to
17 the board.

18 **SECTION 10.**

19 The board shall have the authority to contract with any municipality or governmental
20 authority located within Bacon County for the holding by the board of any primary or
21 election to be conducted within such municipality or governmental authority.

22 **SECTION 11.**

23 (a) The board shall be authorized and empowered to organize itself, determine its procedural
24 rules and regulations, adopt bylaws, specify functions and duties of its employees, and
25 otherwise take such action as is appropriate to the management of its affairs; provided,
26 however, that no such action shall conflict with state law.

27 (b) Action and decision by the board shall be by a majority of the members of the board.

28 **SECTION 12.**

29 (a) The board shall fix and establish, by appropriate resolution entered on its minutes,
30 directives governing the execution of matters within its jurisdiction. The board shall hold
31 meetings at a place designated by the commissioners. Any specially called meetings held
32 pursuant to the bylaws adopted by the board shall be held only after notification of the time

1 and place of the holding of such special meeting has been communicated in writing to the
2 election supervisor to provide public notice of the meeting as required by law. All meetings
3 of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the
4 O.C.G.A.

5 (b) The board shall maintain a written record of policy decisions amended to include
6 additions or deletions. Such written records shall be available for the public to review
7 pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

8 **SECTION 13.**

9 Compensation for the members of the board shall be fixed by the board of commissioners,
10 to be payable from the general revenues of Bacon County.

11 **SECTION 14.**

12 (a) The board may request additional clerical assistants as needed to efficiently carry out the
13 duties and functions of the board on either an independent contract basis or as county
14 employees entitled to all benefits as other county employees, to be determined by the board
15 of commissioners. The board of commissioners shall be responsible for determining the pay
16 and salary of all clerical assistants of the board. Any such assistant shall be hired by the
17 board of commissioners, which will consider the recommendation of the board, and such
18 clerical assistants shall be at-will employees of the board of commissioners.

19 (b) The board of commissioners shall provide suitable offices and equipment and funding
20 sufficient to employ the staff and other employees as may be necessary.

21 **SECTION 15.**

22 The board shall be responsible for the selection, appointment, and training of poll workers.

23 **SECTION 16.**

24 The board of commissioners of Bacon County shall cause, through its legal counsel, this Act
25 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,
26 as amended, within 45 days after the date on which this Act is approved by the Governor or
27 otherwise become law without such approval.

28 **SECTION 17.**

29 As soon as practicable, the board of registrars of Bacon County shall deliver to the board all
30 equipment, supplies, materials, books, papers, records, and facilities pertaining to such
31 powers and duties and thereafter shall be relieved of all powers and duties to which the board
32 succeeds by the provisions of this Act. Nothing contained in this Act is intended to prevent

1 the appointment of members of the board, hiring of an elections supervisor, hiring of clerical
2 staff, or any necessary training for the members of the board, the election supervisor, and
3 clerical assistants prior to July 1, 2007.

4 **SECTION 18.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law
6 without such approval for purposes of making initial appointments to the board only. This
7 Act shall become fully effective on July 1, 2007, or upon receiving preclearance approval
8 under Section 5 of the federal Voting Rights Act of 1965, whichever occurs later.

9 **SECTION 19.**

10 All laws and parts of laws in conflict with this Act are repealed.